IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 18754 of 2004(G)

PETITIONERS:

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1. A.T.MOHAN DAS, S/O.LATE MADHAVAN NAIR, PROPRIETOR, KERALA BOOK CENTER, DOOR NO.VII/13, MAIN ROAD, SHORANUR.

2. A.K.HARIDASAN, S/O. AYYAPPAN, PROPRIETOR, SAJANI TAILORS, DOOR NO.VII/13, POST OFFICE ROAD, SHORANUR.

3. P.V.MUKUNDAN, S/O. P.V.KUTTY KRISHNA WARRIER, RAJA STATIONERY, DOOR NO.VII/12, MAIN ROAD, SHORANUR.

4. A.K.MAHESH, S/O. A.S.KANNAN, RAMBO SALOON, DOOR NO.VII/10, POST OFFICE ROAD, SHORANUR.

BY ADV. SRI.E.R.VENKATESWARAN
SRI.R.SREEHARI

RESPONDENTS:

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1. SHORANUR MUNICIPALITY, SHORANUR, REPRESENTED BY ITS SECRETARY.

2. S.MAHADEVAN PILLAI, S/O. S.SUBRAMANIAN PILLAI, KANNA NIVAS, CONVENT ROAD, SHORANUR.

R2 BY ADVS. SRI.SANTHEEP ANKARATH
SRI.P.P.THAJUDEEN FOR R2
GOVERNMENT PLEADER SRI. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 18754/2004 G

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. PHOTOGRPHS OF THE COLLAPSED BUILDING.

EXT.P2. COPY OF THE REPRESENTATION DT. 15/6/04 FILED BEFORE THE R1.

EXT.P3. COPY OF THE REPRESENTATION FILED BEFORE THE R1 DT. 15/6/04.

EXT.P4. COPY OF THE REPRESENTATIONDT 15/6/2004 FILED BEFORE THE RDO OTTAPALAM.

EXT.P5. COPY OF THE PAPER REPORT APPEARED IN THE MATHRUBHUMI DAILY DT. 16/6/04.

EXT.P6. COPY OF THE PAPER REPORT APPEARED IN THE MADHYAMAM DAILY WITH PHOTOGRAPHS DT. 16/6/04.

RESPONDENT'S EXHIBITS

EXT.R2A. COPY OF THE PETITION BY THE R2 TO THE R1 DT. 23/7/03.

EXT.R2B. COPY OF THE PETITION SUBMITTED BY THE R2 TO THE R1 DT.21/6/04.

EXT.R2C. COPY OF THE PHOTOGRAPH OF THE RECONSTRUCTED HIND PORTION OF THIS RESPONDENT'S BUILDING AS ON TODAY.

True copy

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KURIAN JOSEPH J.

W.P.(C) No.18754 of 2004

Dated 13th July, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (b) "Issue a writ of prohibition restraining the respondents from proceeding with the illegal and dangerous construction of the building by the 2nd respondent without complying with the rules and the law in force and without taking safety measures;
>
> (c) Issue a writ of mandamus or other appropriate writ, order or direction directing the first respondent to consider Ext.P2 representation and to take action against the 2nd respondent for the illegal and dangerous construction of the building including demolition of the building."

In view of the intervening developments, in case the petitioners have still any grievance left, they may produce a copy of this judgment before the first respondent, in which case, appropriate action in the matter will be taken by the first respondent with notice to the petitioners and the second respondent, within another three months. It is made clear that while taking action as above, the relevant materials produced by the petitioners including the report of the Advocate Commissioner will be looked into by the first respondent.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 13th July, 2007.